

## Human Rights Investigations in Ethiopia and Paths Forward for Justice

Simon-Skjodt Center for the Prevention of Genocide  
US Holocaust Memorial Museum  
Refugees International  
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Rapporteur's Report  
Isabelle Turner and Tallan Donine

*On November 19, 2021, the Simon-Skjodt Center for the Prevention of Genocide at the US Holocaust Memorial Museum brought together researchers, international legal experts, and foreign policy practitioners to discuss the evolving crisis in Ethiopia and explore options for justice and accountability. This rapporteur's report summarizes the key themes and observations raised during the roundtable.*

### **Recent Developments**

#### *OHCHR-EHRC report*

Panelists discussed the merits of the November 2021 joint [report](#) from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Ethiopian Human Rights Commission (EHRC) investigation. Panelists converged on concerns regarding the report's credibility and integrity. According to the speakers, the Ethiopian government essentially oversaw and influenced what was supposed to be an independent investigation of abuses linked to government forces, among other warring parties. In addition, investigators lacked access to regions under Tigrayan Defense Force (TDF) control. According to the discussants, the report failed to center victims' voices and validated the Ethiopian government's talking points rather than providing an accurate account of the situation or proper attribution of responsibility among involved parties. Panelists outlined incidents where investigators ignored victim statements and excluded corroborated media reports of attacks. Further, the joint investigation's mandate was limited to a reporting period of three months and, as such, excluded abuses outside of this narrow timeframe. Panelists doubted whether the effort could credibly present a comprehensive investigation of the systematic violations in light of these issues.

The report's integrity and credibility issues could not only engender long-term damage to reconciliation efforts, but also affect the independence and authority of the OHCHR globally, according to one panelist. Others wondered if these problems could embolden perpetrators, demonstrating that many crimes will go unaccounted for or uninvestigated.

#### *African Union involvement*

Panelists observed that Prime Minister Abiy Ahmed has hindered the African Union's (AU) ability to investigate abuses and its ability to support conflict resolution. The AU [launched](#) an independent inquiry in June 2021 without the Ethiopian government's support, which has drastically reduced AU investigators' access to regions and information. Further, less than half the personnel available to the OHCHR-ECHR inquiry are available to the AU inquiry.

One panelist underlined the AU's inconsistent and delayed response to the Ethiopian crisis. Regional political leaders seem hesitant after Prime Minister Ahmed refused to meet with three eminent former African presidents. They underscored that regional leaders should insist that the conflict's leaders take responsibility for atrocities and work with the international community to cease hostilities and resolve the crisis, especially considering the interventionist nature of the AU charter in the case of mass atrocities.

### **Response Options**

The Ethiopian crisis represents the international community's failure to focus political will on prevention efforts. International attention and discussion of the crisis began in earnest only after the TDF began advancing on Addis Ababa. Panelists discussed the improbability of the international community preventing genocide based on the insufficient response of the United Nations (UN) and other diplomatic efforts thus far. According to one speaker, global inaction has emboldened the perpetrators, leading to a dangerous perception among government forces that they can "finish their campaign" and proceed with impunity.

#### *Atrocity risk and next steps*

Panelists concluded that the conflict must not reach Addis, parties must cease hostilities, and parties must allow the delivery of immediate humanitarian relief to the millions in need. Speakers agreed that reaching a ceasefire or peace agreement is unlikely with the current hostilities escalating, but antagonists should be pressured to do so. Additionally, panelists agreed that halting the flow of weapons is critical to mitigating the violence. Conversely, one panelist warned that violence could worsen should a peace process move forward.

Tens of thousands of Tigrayans, including civilians and former federal forces currently detained or forcibly disappeared, are at a heightened risk for mass atrocities. Panelists agreed that if fighting reaches Addis, detainees could face immediate execution. Speakers recommended the International Committee of the Red Cross demand full access to detainees to ensure their safety and that the international community communicate to the Ethiopian government their responsibility for any violations of detainees' rights.

Panelists observed that hate speech and hostile rhetoric in Ethiopia are reminiscent of that used in Rwanda and the Balkans, though it is now accelerated and exacerbated by the prolific use of social media. Via Facebook, the Ethiopian government has spread hate speech against Tigrayans and called on "all capable" civilians to pick up arms to protect the state. The Ethiopian government has promulgated a narrative that Tigrayans, having formerly held power, are attempting to return to power and should be prevented from doing so by any means necessary.

#### *Importance of documentation efforts*

Panelists repeatedly highlighted the need for thorough and independent efforts to document mounting crimes and abuses. Establishing robust fact-finding mechanisms, cataloging human rights violations in real-time, and building processes for corroboration provides a fundamental basis for prevention, accountability, and peace processes. According to panelists, tolerance for

dialogue in Ethiopia right now is meager, as clashing parties continue to dispute facts. The success of future reconciliation efforts hinges on an agreement on baseline facts, which requires an independent, robust, and resource-intensive documentation effort.

#### *Recommendations for accountability*

Ethiopia's intergenerational history of conflict and abuse informs both the unfolding crisis and conversations about accountability. One panelist was struck by how often Prime Minister Abiy's allies failed to focus on the crisis at hand, focusing instead on historic crimes committed by Tigrayans. Failure to prioritize accountability will perpetuate the generational cycle of impunity.

Panelists debated the issue of sequencing accountability. Some panelists maintained that the international community should delay accountability conversations, focusing instead on preventing mass violence in the short term. However, others argued that in a desire to retain diplomatic leverage with Ethiopia's conflict actors, the international community has deprioritized accountability efforts almost altogether, emboldening conflict actors. This course signals to them that they will be able to complete their campaign of violence with impunity. One panelist emphasized the challenge of negotiating with accused perpetrators but noted the lessons learned in Yugoslavia and Rwanda where accommodating political goals and peace negotiations only further capacitated killers.

Panelists stressed that actors should view justice and accountability efforts in Ethiopia as a generational project, and conversations about reconstruction and reparations should begin as soon as possible. Panelists noted the large amount of evidence yet to be collected in order to craft a conclusive case. While awaiting the construction of a robust investigatory mechanism, the international community should provide immediate and active support to civil society organizations for evidence collection, source protection, verification, and case-building efforts.

Panelists also recommended the international community call for a special OHCHR session to discuss the situation in Ethiopia and ensure the AU secures the necessary resources for completing its inquiry. Speakers debated the benefits of the US government releasing a genocide determination. One speaker argued it was premature to decide on genocide specifically, but a public determination of war crimes and crimes against humanity, for which there is mounting evidence, could deter perpetrators. It would also send a message that the world is watching. Other options for accountability include seeking a referral of the situation to the International Criminal Court, establishing a hybrid court, and pursuing a *fully* independent investigative mechanism through the UN.